Custody Case 2012 SCS

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March 21, 1978

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Dear Mr. McCloskey:

I am replying to your letter of March 2 and regret that you found the rationale of my reply of February 13 unsatisfactory.

I fully understand Mr. and Mrs. Stoen's desire to regain physical custody of John Victor Stoen. As I pointed out in my letter of February 13, however, the Department of State has no authority to enforce a custody decision of a California court in the country of Guyana. By international practice and tradition custody disputes must be settled in the court having jurisdiction over the child's place of residence, in this instance, Guyana.

With respect to your questions regarding the paternity of the child, the Department of State is unable to make any determination regarding the child's paternity. As far as we know, John Victor Stoen's paternity is not an issue before the courts of Guyana. It is, of course, conceivable that the paternity issue will be raised during the course of the custody hearing. In this regard the Embassy at Georgetown has been informed that Guyanese law on paternity closely follows the Common Law tradition wherein the husband of a married woman is presumed to be the father of her children.

The Embassy has been informed that as child custody cases are basically civil disputes, there is no time limit established in Guyanese law during which such disputes must be settled. Therefore, it is possible that legal arguments presented by both parties and the press of other cases being heard by the same judge may delay a final decision on this case for a considerable time.

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY _____ DATE _____
RDS ☐ or XDS ☐ EXT. DATE
TS AUTH. _____ REASON(S) _____
DECLASSIFIABLE ☐
RELEASE
EO or PSI EXEMPTIONS

The Honorable
Paul N. McCloskey, Jr.,
House of Representatives.

We shall keep you informed of any significant developments. Should you desire further information, please contact our Office of Special Consular Services on 632-3015.

Sincerely,

Douglas J. Bennet, Jr.
Assistant Secretary
for Congressional Relations

CA:SCS:EHQ'Kane:EAPowers:gjl:wp Clearances: SCS - Mr. Dobrenchuk
x23015 3/13/78 #031-1065 SCS - Mr. Lambert
CA - Miss Watson
H - Mr. Krizek
L/CA - Mr. Dalton